

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

Attorney for Defendants

BY: Kate S. McGrath, Esquire

I.D. #56082

BY: Edward M. Galang, Esquire

I.D. #80958

Suite 1002, One Montgomery Plaza

Norristown, PA 19401

(610) 292-4473

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES S. PAVLICHKO, SR., : Civil Action No. 02-CV-2889

As guardian ad litem for a Minor Child,

JAMES S. PAVLICHKO, JR. :

VS. :

GLEN MILLS SCHOOL, : JURY OF 12 DEMANDED

COSIMO D. FERRAINOLA, DIRECTOR, :

LARRY LAURENCE, COUNSELOR, :

GREG FRAZIER, STAFF MEMBER, :

JIM WELSH, STAFF MEMBER, :

TODD DONAHUE, STAFF MEMBER, :

T.J. GREEN, STAFF MEMBER, :

MR. YANEZ, STAFF MEMBER

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants, Glen Mills School, Cosimo D. Ferrainola, Larry Laurence, Greg Frazier, Jim Welsh, Todd Donahue, T.J. Green and Nelson Yanez, by and through counsel, Marshall, Dennehey, Warner, Coleman & Goggin and Edward M. Galang, Esquire hereby files this Motion for Summary Judgement as follows:

1. Plaintiff commenced this cause of action on or about June 6, 2002 by filing a complaint.
2. Plaintiff filed an Amended Complaint on or about December 24, 2002.

3. According to Plaintiff's Amended Complaint, Plaintiff alleges a violations of 42 U.S.C. § 1983.

4. Specifically, Count I of Plaintiffs alleges Retaliation against all Defendants pursuant to 42 U.S.C. § 1983.

5. Additionally, Count II of Plaintiff's Amended Complaint alleges Conspiracy against Defendants pursuant to 42 U.S.C. § 1983..

6. Count III of Plaintiff's Amended Complaint alleges a violation of the Eighth Amendment of the United States Constitution against Defendant, T.J. Green.

7. Counts IV and V of Plaintiff's Amended Complaint allege state law claims of assault and battery against Defendant, T.J. Green.

8. Count VI of Plaintiff's Amended Complaint alleges assault and battery against Defendants, Glen Mills Schools and Cosimo D. Ferrainola under the theory of *respondeat superior*.

9. Defendants file this Motion for Summary Judgment pursuant to F.R.C.P. 56.

10. The grounds for this Motion are stated more fully in the accompanying Memorandum of Law.

WHEREFORE, Defendants respectfully request that this Honorable Court grant this Motion for Summary Judgment and dismiss any and all claims against all Defendants.

RESPECTFULLY SUBMITTED:

MARSHALL, DENNEHEY, WARNER,
COLEMAN AND GOGGIN

BY: _____

Edward M. Galang, Esquire
Attorney for Defendants
Glen Mills School, Cosimo D. Ferrainola,
Larry Laurence, Greg Frazier, Jim Welsh,
Todd Donahue, T.J. Green and Nelson Yanez

Date: _____

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JIM WELSH, STAFF MEMBER, :
TODD DONAHUE, STAFF MEMBER, :
T.J. GREEN, STAFF MEMBER, :
MR. YANEZ, STAFF MEMBER

ORDER

AND NOW, this day of , 2003, upon consideration of Defendants'
Motion for Summary Judgment and any response thereto, it is hereby ORDERED and
DECREED that said Motion is GRANTED. Any and all claims against all Defendants are
dismissed with prejudice.

BY THE COURT:

CHARLES B. SMITH
UNITED STATES MAGISTRATE JUDGE

VERIFICATION

EDWARD M. GALANG, ESQUIRE hereby states that he is counsel for Defendants, Glen Mills School, Cosimo D. Ferrainola, Larry Laurence, Greg Frazier, Jim Welsh, Todd Donahue, T.J. Green and Nelson Yanez in this action and verifies that the statements made in the Motion for Summary Judgment and Memorandum of Law are true and correct to the best of his knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 PA.C.S. §4904 relating to unsworn falsification to authorities.

EDWARD M. GALANG, ESQUIRE

DATE: _____

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:

MR. YANEZ, STAFF MEMBER

CERTIFICATE OF SERVICE

I, Edward M. Galang, Esquire, being duly sworn according to law, hereby certify that Defendants' Motion for Summary Judgment and Memorandum of Law was forwarded to all counsel of record on the below listed date and was sent via first class mail, postage prepaid to the last known address of other parties or their representatives.

MARSHALL, DENNEHEY, WARNER,
COLEMAN AND GOGGIN

BY:

Edward M. Galang, Esquire

Attorney for Defendants

Glen Mills School, Cosimo D. Ferrainola,

Larry Laurence, Greg Frazier, Jim Welsh,

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Date: _____